REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION

Date of Consideration: September 10, 2015 **TIME: 9:25 a.m.**

File Number: **B60/15**
Applicant: **Estate of Patrick Suessmuth**

Subject Lands: TOWN OF ERIN – Part Lot 16, Concession 5

Proposal is a request for consent to convey fee simple for a proposed severance 76m fr x 106m = 0.8 hectares (2 acres)in the TOWN OF ERIN – Part Lot 16, Concession 5, existing agricultural use for proposed rural residential use; retained lands are 19.7 hectares (48.7 acres).

ISSUES: neighbour concerns

SUMMARY of FILED REPORTS and COMMENTS:

Town of Erin – in support of application; conforms to Official Plan and Zoning; conditions to apply

County Planning - notice cards were posted at time of site visit; Committee should be satisfied that property owned at least five years; application is consistent with Provincial Policy and generally conforms to Official Plan; Secondary Agricultural designation; no MDS concerns

Conservation Authority (GRCA) – no objections

Others (e.g. neighbours) Mary-Katherine and Jason Amos – concern lot may be sold to person who is looking to live in the country but not accept all that goes along with making that choice
Ric Wilson & Dina Witty (5508 4th Line Erin, R. R. #2 Hillsburgh, ON N0B 1Z0) - objecting to application – prime farm land and protected land being diminished; driveway directly across from our existing second driveway; issues with busy –bodied people creating problems in neighbourhood; roadway not the best – less traffic better; might be interested in purchasing property in its entirety; aware adjacent property owner had a signed agreement for offer to purchase or refusal; **request notification of consideration**
Antonio Belas (1355528 Ontario Ltd. 44 Atomic Ave. T.O. M8Z 5L1) - neighbour to north (5537 Fourth Line) objection to consent – have signed agreement from October 5, 2010 that if property for sale – has the first offer to purchase or refusal; **request notification of consideration**

PROPOSED CONDITIONS of APPROVAL

1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
2) THAT the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document including the Form 2 Certificate for Consent B60/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the Owner provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
6) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
8) THAT the owner satisfy the requirements of the Town of Erin concerning road widening conveyances along the frontage of the severed and retained parcel; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the Owner provide a survey confirming the location of the proposed entrance that should meet the standards outlined in the entrances by-law 10-47 to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
10) THAT the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin (denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation); and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*******Conditions may be deleted, added to, or changed at meeting*******

5ounty of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

August 27, 2015

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B60/15

APPLICANT

Estate of Patrick Suessmuth
c/o Dave Ingham
5442 Tenth Line
Erin ON N0B 1T0

LOCATION OF SUBJECT LANDS:

TOWN OF ERIN
Part Lot 16
Concession 5

Proposed severance is 76m fr x 106m = 0.8 hectares, existing agricultural use for proposed rural residential use.

Retained parcel is 19.7 hectares with 236m frontage, existing and proposed rural residential and agricultural use with existing house.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, September 10, 2015**

AT 9:25 a.m. for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

TO: **Applicant – Estate of Patrick Suessmuth** **Agent – Rod Finnie**
Other: Ric Wilson & Dina Witty (5508 4th Line Erin, R. R. #2 Hillsburgh, ON N0B 1Z0)
Antonio Belas (1355528 Ontario Ltd. 44 Atomic Ave. T.O. M8Z 5L1)

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AUG 1 2 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B60/15

APPLICANT

Estate of Patrick Suessmuth
c/o Dave Ingham
5442 Tenth Line
Erin ON N0B 1T0

LOCATION OF SUBJECT LANDS

TOWN OF ERIN
Part Lot 16
Concession 5

Proposed severance is 76m fr x 106m = 0.8 hectares, existing agricultural use for proposed rural residential use.

Retained parcel is 19.7 hectares with 236m frontage, existing and proposed rural residential and agricultural use with existing house.

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JUL 1 4 2015
TOWN OF ERIN

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 05-12400

Does this description reasonably describe the parcel holdings? YES(x) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES(x) NO( )

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES [x] NO [ ]

(Please Specify) _____

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [x] NO [ ]

(Please Specify) _____

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES( ) NO( ) N/A(x) or **Minor Variance** YES( ) NO( ) N/A(x)

Is proposal on an opened maintained year-round public road YES(x) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

Please specify _____

_____

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(x)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(x)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(x)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(x)

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(x)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B60/15

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [x] NO [ ]

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

Is the Municipality in support of this application? **YES(x) NO( )**

What Conditions, if any, are requested by the Municipality if the Consent is granted?
See attached

Does the Municipality request a Notice of the Decision? YES(x) NO( )

SIGNATURE Jess Wu

TITLE: Building and Planning Assistant

ADDRESS: 5684 Trafalgar Road, Hillsburgh ON

DATE: August 10, 2015

Corporation of the Town of Erin
5684 Trafalgar Road
RR2 Hillsburgh ON N0B 1Z0
(519) 855-4407 Ext. 240 Fax: (519) 855-4281
EMAIL: Jessica.wilton@erin.ca

Severance Application Recommendation

To: County of Wellington Land Division Committee
From: Jessica Wilton, Building & Planning Assistant
Date: August 10, 2015
Applicant: Estate of Patrick Suessmuth c/o Dave Ingham
Location: Part Lot 16, Concession 5
File: B60/15

Official Plan: Secondary Agricultural & Core Greenlands
Zoning: A- Agricultural & EP2-Environmental Protection

Recommendation: The Town of Erin relies on the County of Wellington to confirm compliance with Minimum Distance Separation Formulae. The Town of Erin requests that the following conditions of approval be required. The Town of Erin will file clearance of these conditions with the Secretary-Treasurer of the Committee of Adjustment once the conditions have been fulfilled.

1. That the owner provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code.

2. That the owner pay parkland dedication and satisfy any other requirements of the local municipality, financial and otherwise to which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands.

3. Request a 3m road widening on the severed and retained parcels, anything beyond that is beyond the control of the applicant.

1. Provide a survey confirming the location of the proposed entrance that should meet the standards outlined in the entrances by-law 10-47.

2. That the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin, denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation.

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

Application	B60/15
Location	Part Lot 16, Concession 5 TOWN OF ERIN
Applicant/Owner	Estate of Patrick Suessmuth c/o Dave Ingham

PLANNING OPINION: This application would sever a 0.8 ha (2 ac) vacant rural residential lot in a Secondary Agricultural area. A 19.7 ha (48.7 ac) parcel would be retained with an existing dwelling.

The Committee should be satisfied that the property has been owned for at least five years, in accordance with the Official Plan policy for this type of severance.

Otherwise, this application is consistent with Provincial policy and would generally conform to the Official Plan. We would have no other concerns, provided that servicing can be accommodated to the satisfaction of the Town and that as a condition of approval safe driveway access can be provided to the satisfaction of the Town.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): With respect to MDS1, we note that there is a barn within 475 m of the new lot. Based upon preliminary calculations, we are satisfied that there are no MDS1 concerns with this application.

GREENBELT PLAN: Not within Greenbelt Plan area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. Greenlands System designations appear to be well removed from the proposed lot.

According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on March 1, 2005, subject to the following criteria:

a) The lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands, and Minimum Distance Separation requirements;
b) The accessory buildings referred to in a) above may include a hobby barn, subject to local regulations;
c) The lot has access to an open public road;
d) The residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations;
e) The residential use is compatible with surrounding development;
f) The use is well removed from any settlement boundary;
g) The lands have been owned by the applicant for at least five years.

No new lots have been created on the parcel since March 1, 2005. Section 4(b) of the application "when the property was acquired" was left blank. We are therefore unable to determine if the 5 year ownership policy has been met.

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage....." and d) "that all lots will have safe driveway access to an all-season maintained public road"

LOCAL OFFICIAL PLAN: The subject property is designated Secondary Agricultural and Core Greenlands.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A) and Rural Environmental Protection (EP2). Both lots would meet the applicable minimum lot area and frontage requirements.

SITE VISIT INFORMATION: The subject property was visited and photographed on July 27, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
July 28, 2015

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JUL 29 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

PLAN REVIEW REPORT:	**County of Wellington, Planning & Land Division Committee** **Deborah Turchet, Secretary-Treasurer**

DATE: August 17, 2015 **YOUR FILE:** B60/15
GRCA FILE: Erin/2015/Sev/C

RE: **Application for Consent B60/15**
Part Lot 16, Concession 5
Suessmuth

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed severance.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the subject lands contain Eramosa/Blue Springs Creek Provincially Significant Wetland Complex, a watercourse, a woodland and associated adjacent areas.

2. **Legislative/Policy Requirements and Implications:**

   The existing lot is currently developed, and the proposed severed parcel is at the edge of the adjacent lands associated with the wetland. We do not anticipate issues with developing on the proposed severed parcel.

   Portions of the subject lands are regulated by the GRCA under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). Please note that any future development within the regulated areas will require a permit from this office.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   We wish to acknowledge receipt of the applicable plan review fee in the amount of $380.00 for the processing of this application.

Should you have any questions or require further information, please contact me at 519-621-2763 extension 2320.

Yours truly,

Jason Wagler, MCIP RPP
Resource Planner
Grand River Conservation Authority

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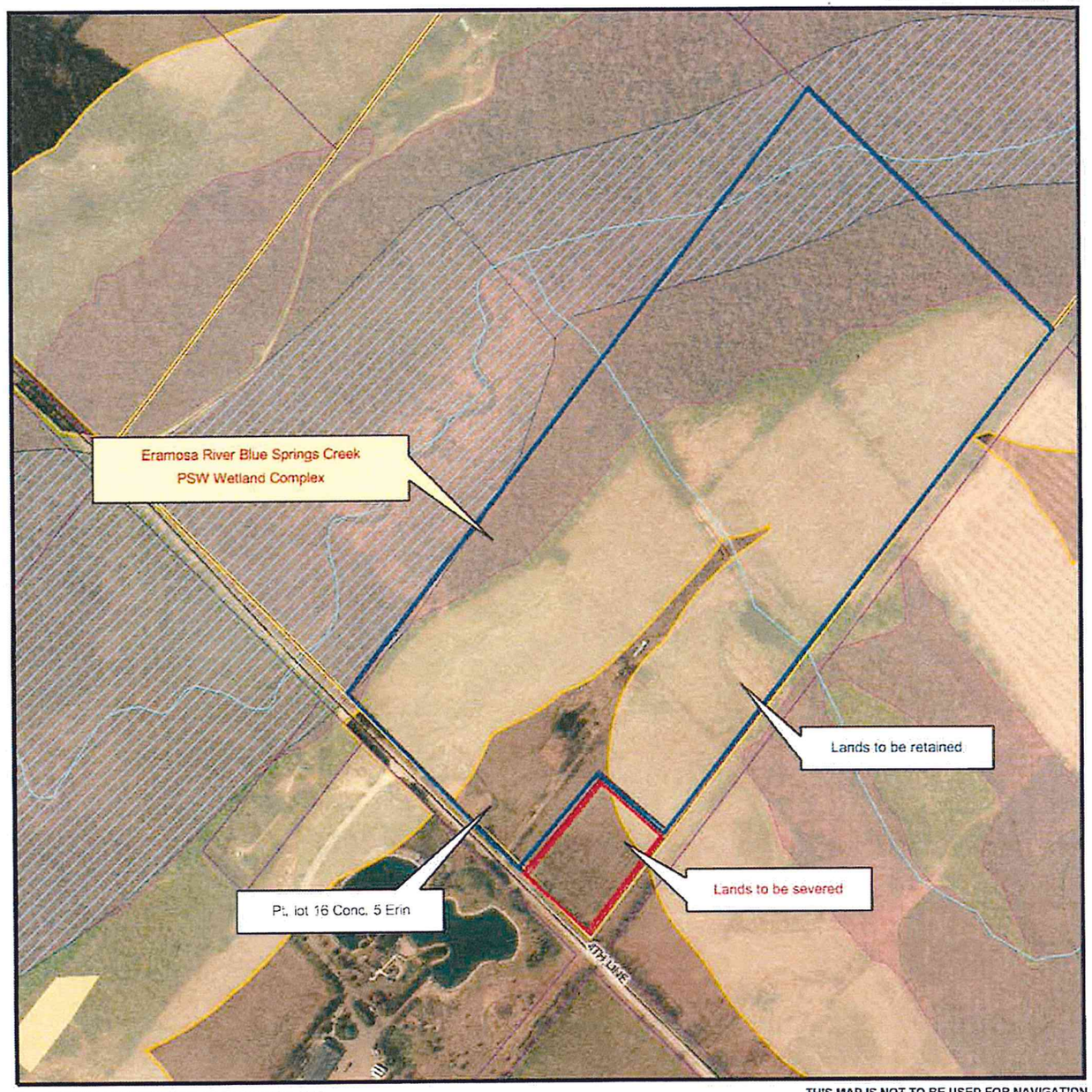
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: August 17, 2015

B60/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- WATERCOURSE - DRAFT (GRCA)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- WETLAND (NRVIS)
  - PROVINCIALLY SIGNIFICANT
  - LOCALLY SIGNIFICANT
  - UNEVALUATED
- PARKS (GRCA)
- PROPERTY-OTHER (GRCA)
  - MNR PROPERTY-GRCA MANAGED
  - EASEMENT
- PROPERTY (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- WATERBODY - DRAFT (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

http://grims.grandriver.ca/docs/SourcesCitations1.htm

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NAD 1983, UTM Zone 17 Scale 1:5 000

N

Tuesday, August-18-15

RE – B60-15

To Whom it may Concern,

This letter is with regards to the potential severance to 5509 4th Line in the Town of Erin.

Our concern with regards to this severance is the fact that typically the smaller rural plots of land that are sold may be sold to a person who is looking to live in the country but not to accept all that goes along with making that choice.

We can see that our line has a number of rural ways of life that may disturb such a potential resident. Our line has avid dirt biking, farming, an agricultural business that involves large truck transport and a summer camp. This may not be the best line to add a residence for a person who is looking to get away from it all.

We hope that our concerns will be considered so that future issues can be avoided.

We feel that a person who is likely to move into the property sold as one large agricultural piece of land would be a better neighbour to suit our line.

Thank you,

Mary-Katherine Amos and Jason Amos

5555 4th Line Hillsburgh ON N0B 1Z0

416-453-6949 – cell #

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AUG 18 2015

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Ric Wilson and Dina Witty

5508 4th Line Erin, R.R.#2

Hillsburgh, ON N0B 1Z0

519-833-4440 416-579-3663

Monday August 17, 2015

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AUG 18 2015

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Re: File No. B60/15, property of Patrick Suessmuth

To whom it may concern:

We are neighbours right across the road from the property in question. We are formally objecting to the proposed APPLICATION for CONSENT for the following reasons:

-prime farm land and protected land is being diminished.

-we do not want a driveway directly across from our existing second driveway.

-there are enough issues with busy-bodied people creating problems in our neighbourhood.

-our roadways are not the best....the less traffic the better.

-we might be interested in purchasing the property in its entirety if that was an option. It's a shame that perfectly good barn was destroyed and burned down.

-we are also aware Mr. Anthonio Belas who owns the adjacent property had a signed agreement with Mr. Patrick Suessmuth for an offer to purchase or refusal should the property become available for sale. We agree this document should be legally binding.

Also please notify us of the date and time for consideration.

Thank you for your time.

Sincerely,

Ric Wilson and Dina Witty

1355528 Ontario Ltd.
44 Atomic Ave.
Toronto, On M8Z 5L1

Toronto, August 17, 2015

RE: FILE NO. B60/15
5442 Tenth Line
Erin, On N0B 1T0

Attention: Ms Deborah Turchet, Secretary-Treasurer
County of Wellington Planning and Land Division Committee

I am the neighbour of the farm to the north (5537 Fourth Line) of the above mentioned location and I am objecting to this APPLICATION for CONSENT because I have a signed agreement, from October 5th, 2010 , between Mr. Patrick Suessmuth and myself as is in the following quote:
"In the effect that the property should be considered for sale, I Patrick Suessmuth hereby confirm that the first offer to purchase or refusal will be given to Antonio Belas prior to being listed with any real estate agency"

Please register my opposition and notify me of the date and time of the consideration.

Antonio B. Belas
President of 1355528 Ontario Ltd.
44 Atomic Ave.
Toronto, On M8Z 5L1

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE